PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , SEPTEMBER 11, 19 90

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING September 11 ,19 90 , IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY ✓ , BURNS ✓ , EDMONDS ✓ ,
GiaQUINTA A , HENRY ✓ , LONG ✓ ,
REDD ✓ , SCHMIDT ✓ , TALARICO A ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR August 28 ,19 90,
,19 ,
SPECIAL August 27 ,19 90,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 11th day of September, 1990, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of September, 1990.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

28 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-08-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-08-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
2516 Lake Avenue

Reason for Project
Professional Offices

Discussion (Including relationship to other Council actions)

20 August 1990 - Public Hearing

Lindy Moss, attorney, 1800 Fort Wayne National Bank Building, appeared before the Commission for the petitioners. Mr. Moss stated that they are requesting the rezoning in order to construct a doctors office and imaging center. He stated that they have received and reviewed the department comments. He stated that they have no problems with any of the comments and they are willing to comply with all of them. He stated that they are willing to dedicate an additional 10 feet of right-of-way along Lake Avenue and to relocate the approach as far west on the parcel as possible for better visibility as requested by Traffic Engineering.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Raymond Gize & Phillip Godsey City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditio (See Details column for conditic
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pa

DETAILS

27 Augut 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

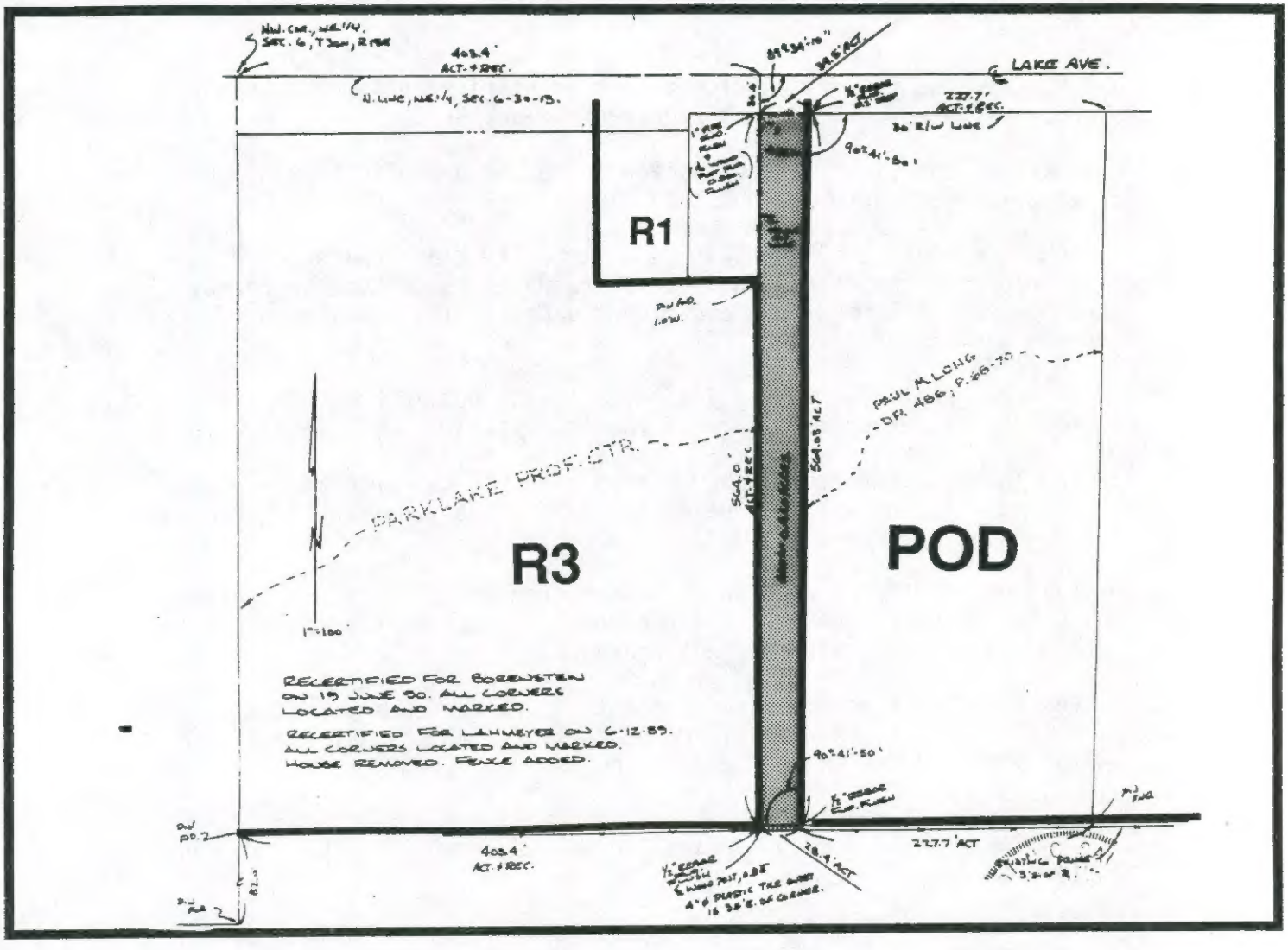
Project Start	Date	19 July 1990
Projected Completion or Occupancy	Date	28 August 1990
Fact Sheet Prepared by Patricia Biancaniello	Date	28 August 1990
Reviewed by Larry Magliozzi	Date	8/30/90
Reference or Case Number		

REZONING PETITION #445

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **POD** DISTRICT.

MAP NO. **Q-10**

COUNCILMANIC DISTRICT NO. **2**



ZONING:

R1 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

POD PROFESSIONAL OFFICE DISTRIC

LAND USE:

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 7-24-90

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RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-08-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 20, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

Lindy G. Moss, agent for Raymond W. Gize and Phillip D. Godsey, requests a change of zone from R-1 to P.O.D.

Location:	2516 Lake Avenue		
Legal:	See file		
Land Area:	Approximately 0.44 acres		
Zoning:	R-1		
Surroundings:	North	R1 / R3	Open & Offices
	South	R-1	Treatment Plant
	East	P.O.D.	Offices
	West	R-3	Offices

Reason for Request: A doctors office and imaging center.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investment and prevent deterioration. This proposal is within the guidelines established by the Comprehensive Plan. Professional Offices are allowed in both the R-3 district and the P.O.D. This area has over time become less and less residential so the extension of the P.O.D. to allow the Magnetic Resonance Imaging Center at this location is acceptable.

Landscape: No comment.

Planning Staff Discussion:

This parcel is one of three parcels located on the south side of Lake Avenue between two larger office developments. This parcel is approximately 40 feet wide by 564 feet deep. The other two residential parcels (to the west) are approximately 135 +/- feet deep.

It appears that office uses are appropriate along this portion of the Lake Avenue corridor. Both sides of the street have existing

low-intensity office or other non-residential uses. The petitioners intend to incorporate this site with the parcel immediately east, which is already zoned for professional office development. The combination of parcels will allow a better designed development and will save a couple of larger trees on the easterly parcel.

Approval would be consistent with the predominate existing development and would not have a negative impact on any adjoining properties. With the traffic volumes in this area, and the presence of the treatment plant to the south, we feel that residential development is unlikely.

Recommendation: Do Pass for the following reasons:

1) Approval would be consistent with the existing character of the area.

2) Approval would be in compliance with the goals of the Comprehensive Plan for this area.

3) Approval would increase the width of the existing P.O.D. site to the east, and subsequently would allow retention of a couple of larger trees on the site.

4) Approval represents the highest or best use of the parcel.

The City of Fort Wayne

28 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-07-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
9th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-07-10
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From B-1-B to R-1

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

1216 Runnion Street

Reason for Project

Property is being used a single family residence. Owner is in the process of selling and in order to mortgage through FHA they require that the property be zoned residentially.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

Michael Ehler, petitioner stated that at the time the request was made he was in the process of selling this property. He stated that it was being mortgaged through FHA and they require that it be zoned residential.

Steve Smith asked if the property was being used for a business.

Mr. Ehler stated that it is being used as a residence and has been for the last 73 years.

David Wright questioned why this property was zoned B-1-B.

Wayne O'Brien, Planner II, with CED, stated that he was not familiar with the history of the property. He stated however that in the general area there are some older uses associated with the corners that may have led to this type of zoning. He stated that the property across the street to the north and west and on the other side of the alley is commercial.

Yvonne Stam stated that staff had recommended

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Michael Ehler City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -approval would create a single residential zoning between commercially zoned land
Board or Commission Recommendation	By ☐ For ☐ Against ☒ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

that the petitioner should seek support and include the properties to the north as part of this request and the staff would then look favorably upon the request.

Mr. Ehler stated he had tried to contact the neighbors but was only able to reach one of them. He stated that this person was willing to enter into a rezoning of the property.

Mr. Ehler stated that he had since applying for the rezoning received a letter from FHA stating that there concern was that if the structure was destroyed it could be rebuilt as a residence. He stated that they did receive a letter stating that it could be rebuilt residential and this has satisfied the concerns of FHA. He stated that they are continuing with the rezoning request for the benefit of the new homeowner. He stated they applied for the rezoning because they were unaware they were going to get a letter clearing the matter up with FHA.

Steve Smith questioned then if the FHA problem had already been resolved.

Mr. Ehler stated that it had but that he was willing to continue with the request as a courtesy to the new owners to alleviate any further difficulties they could encounter if they decide to sell and go through FHA again.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

23 July 1990 - Business Meeting

Motion was made and seconded to defer the request for thirty (30) days for the following reasons:

1. Deferral will allow the petitioner the opportunity to discuss the nature of the downzoning with the other residents, and hopefully file a new petition that reflects a more appropriate downzoning.

2. If the petitioner chooses not to refile, the Plan Commission will act on this petition at their August 27th Business Meeting. If a new petition is filed, the Site Committee would entertain a request for withdrawal of this petition.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote. Motion Carried.

27 August 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioner.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start Date 6-20-90

Projected Completion or Occupancy Date 8-28-90

Fact Sheet Prepared by Date 8-28-90

Patricia Biancaniello

Reviewed by Date 8/30/90

Larry Magliozzi

Reference or Case Number

GWENETH BAHR-EHLER
1216 Runnion Avenue
Fort Wayne, Indiana 46808
Telephone: (219) 426-6483

August 3, 1990

Wayne O'Brian
One Main Street
Room 830
Fort Wayne, IN 46802

Dear Mr. O'Brian,

In JUly of 1990 I submitted a petition for a change of zone from B-1-B to R-2 at the residence of 1216 Runnion Avenue. I am writing to withdraw that petition. I have resolved the matter through a different channel.

Thank you and the Plan Commission for your time and consideration in this matter.

Sincerely,

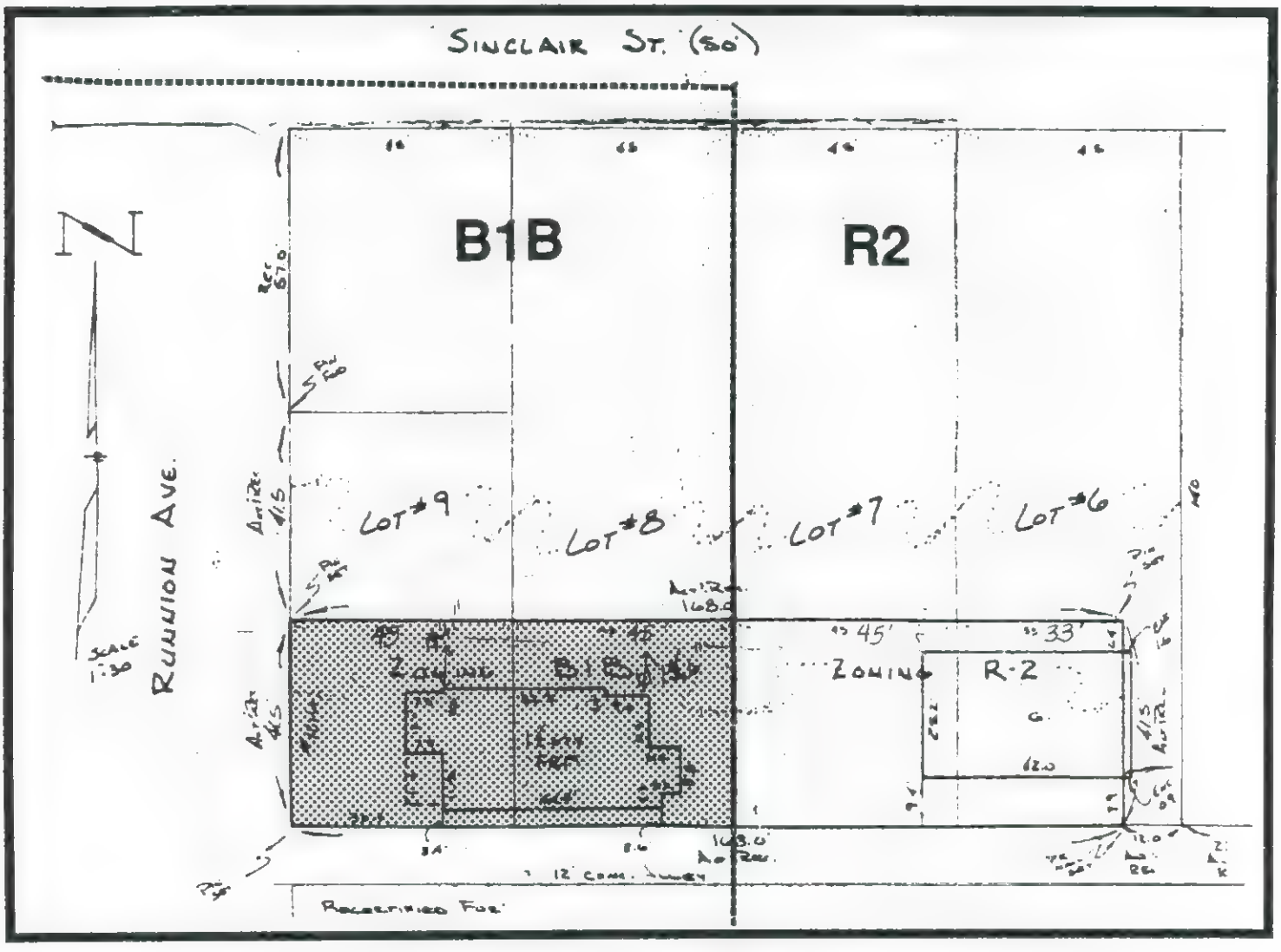
Gweneth Ehler

REZONING PETITION #438

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **B1B** DISTRICT TO A **R2** DISTRICT.

MAP NO. **J-10**

COUNCILMANIC DISTRICT NO. **4**



ZONING:

R2 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

LAND USE:

☐ *SINGLE FAMILY*

☐ *DUPLEX*

LW

SCALE: NTS

DATE: 6-21-90

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 27 August 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

Michael E. Ehler, requests a change of zone from B-1-B to R-2.

Location:	1216 Runnion		
Legal:	S 41.5' of lots 8 & 9 in Block # 15 in Rockhill Heirs Addition.		
Land Area:	Approximately 3735 Sq.Ft. (0.08 acres)		
Zoning:	B-1-B		
Surroundings:	North	B-1-B	Residential
	South	B-1-B	Commercial
	East	R-2	Residential
	West	B-1-B	Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Nebraska Neighborhood Assoc.

Neighborhood Plan:	No comment.
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal of the Middle Ring, where this proposal is located, is to maintain investment and prevent deterioration.
Landscape:	No comment.

Planning Staff Discussion:

In the process of attempting to sell the property it was discovered that the parcel owned by Mr. Ehler is zoned both R-2 and B-1-B. As this apparently has a potential impact on the ability of the purchaser to obtain FHA financing, a rezoning is being sought. The staff has made every effort to assure the petitioner that not only is a residence permitted in the B-1-B District, but that the current residential structure, if destroyed, could be built on the same property subject to the existing development standards relative to height, lot coverage and setbacks. A letter was sent to that effect on June 21, 1990, in addition to contacts that were made by staff with representatives of HUD.

There is a two block area along Runnion extending from Sinclair Street to Howell Street that is zoned B-1-B for a depth of two

lots (approximately 90 feet). The east side of Runnion from Sinclair Street to the first alley south has been developed residentially. While the Plan Commission staff normally is a strong supporter of downzoning in residential areas, we have some objections to this petition as submitted.

The petitioned parcel has B-1-B zoning on three sides, and approval of the request would clearly create a residential zoning in the midst of commercial zoning. We would strongly suggest that the petitioner re-submit the proposal with the inclusion of the next two properties to the north. As all three of these parcels are residentially used, that petition would provide a more logical downzoning, and would move the boundary to the alley south of this site. We could fully support such a petition.

Recommendation: Do Not Pass, for the following reasons:

1) Approval would create a single residential zoning between commercially zoned land.

2) Approval of the petition is not in the best interest of city as submitted. We would strongly suggest that the petitioner re-submit the petition including the properties to the north, which would clearly represent a logical downzoning.

THE CITY OF FORT WAYNE

28 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-05-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-05-12
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From B-1-B to B-3-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

6901-6905 So Hanna Street

Reason for Project

Flea Market

Discussion (Including relationship to other Council actions)

21 May 1990 - Public Hearing

See Attached Minutes of Meeting

4 June 1990 - Business Meeting

Motion was made and seconded to defer the ordinance for ninety (90) days at the request of the petitioner.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s): Fort Wayne Store Company City Department Other
Opponents	Groups or Individuals: Sarah Helmke, 1204 Sylvia Donna Kimmel, 1207 Sylvia Phillip Pease, 1209 Sylvia Basis of Opposition - increased traffic in area -trash and unsightly outsic storage
Staff Recommendation	☐ For ☒ Against Reason Against -approval could have a negative impact on residential properties in area
Board or Commission Recommendation	By ☐ For ☐ Against ☒ No Action Taken ☐ For with revisions to conditio (See Details column for conditi
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pa

DETAILS

27 August 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by petitioner.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance was deferred for ninety (90) days at the request of the petitioner's attorney so that the petitioner could apply to the Board of Zoning Appeals for a Use Variance for the requested use. The petitioner's, Fort Wayne Store Company, applied for and obtained a Use Variance for a flea market. The petitioner's attorney has subsequently requested that the rezoning request be withdrawn.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 19 April 1990

Projected Completion or Occupancy — Date 28 August 1990

Fact Sheet Prepared by — Date 28 August 1990

Patricia Biancaniello

Reviewed by — Date 8/30/90

Larry Meglozzi

Reference or Case Number

Change of Zone #431
From B-1-B to B-3-B
6901 & 6905 So Hanna Street

Tom Gallmeyer, attorney representing the petitioner Fort Wayne Store Co., appeared before the Commission. Mr. Gallmeyer stated that the Fort Wayne Store Co., are the owners of the real estate in question. He stated that the potential lessee of the property was at the meeting. He stated that the real estate was located at the southeast corner of U S #27 South and South Hanna and is approximately 12.5 acres. He stated that there are two buildings located on the property, one with 63,000 square feet and one with 32,000 square feet. He stated that the present zoning is B-1-B. He stated that the property has been vacant for approximately 4 years, the last use being Heck's Discount Store. He stated that in the last 4 years vandalism has been rampant, dumping has been constant. He stated that the owner is spending approximately $500 dollars a month to remove the debris. He stated that the proposed use is the Fort Wayne Flea Market, which is presently being operated out at International Harvester Park. He stated that when the petitioner first met with the staff and discussed the concept of a flea market, the staff made the decision that a flea market was not covered by a B-1-B zoning, because new and used goods were being sold at the flea market. He stated that he disagreed with the decision of the staff. He stated that there is no definition of a flea market in the Zoning Ordinance, he felt that he did not think the Zoning Ordinance contemplated a flea market at the time it was drawn up. He stated that the concept of a flea market while ancient in cultural is a new retail trend that we are seeing across the country. He stated that it is a place for small businessmen to cooperatively display their articles, market them and sell them, with a low overhead operation. He stated he would like to think of it as a "contemporary discount store". He stated it is not a discount store, but it is not the concept of a flea market that appears at the Three Rivers Festival under the elevation. He stated it is not Shipshewanna. He stated what we are talking about are booths that are leased to approximately 80 tenants long term. He stated that these same lessees come back every week. He stated that they have these leases from October through April. He stated that during the time that the flea market is closed they store their goods there they do not transport them out and bring them back. He stated it is not a transient booth operation. He stated that the bulk of these booths are intended to be located internally. He stated however there is a space between the two buildings and in the event the two buildings are leased full, then they would propose to move to external booth operations. He stated that there is no question that new goods as well as used goods are being sold. He stated that they contemplate and experience has shown that approximately 70% of the goods are brand new. He stated that the other 30% consists of used goods and what we call collectibles (antiques, coins, baseball cards, etc.). He stated that when he says he respectfully disagrees with the staff's determination that a B-1-B does not cover this

use, it is because under the uses provided in a B-1-B, there are retail stores that also sell used goods as well as new. He stated that there is not a furrier, record store or jeweler that you can not buy used products as well as new. He stated he did not feel that the staff had the full concept of what a flea market is when it is run as a long term operation at a fixed site as a retail business, when they made the decision that a B-1-B classification did not fit. Mr. Gallmeyer stated that the present Goodwill Store located in Diplomat Plaza sells nothing but used goods and is zoned B-1-B. He stated that the Salvation Army store located in Quimby village which sells only used goods is also zoned B-1-B. He stated that there is precedence for a B-1-B classification. He stated that is their first argument - that the zoning classification they already have on the property is sufficient. He stated that the Comprehensive Plan states that the goal of the Middle Ring is to maintain investment and prevent deterioration. He stated that this property is rapidly deteriorating. He stated that the owner and the lessee combined are going to have to spend in excess of $400,000 to rehab the property to make it usable to open. He stated that those are not public dollars, those are private sector dollars. He stated that to the north the zoning is B-1-B and RB, there is a movie theatre and a wholesaler. He stated that to the south across Lafayette Street is a golf course and a McMillen Center. He stated that the McMillen Center had given them a letter where they acknowledge that they approve and have no objection to the rezoning. He stated that this rezoning would certainly not have a negative impact on the golf course to the south. He stated that to the west is the combination B-1-B and RB zoning a bowling alley a health spa, and miniature golf. To the east it is zoned RB and is used for residential. He stated that the residential is interspersed and there are parts of it that are not developed. He stated that this deteriorating property needs an immediate infusion of capital. He stated it does not benefit anyone in its present condition. He stated that Lafayette Street will support commercial use, it is now becoming a commercial corridor. He presented the Commission with a petition with 350 signatures of customers that use the market and approximately 60 of the vendors from the flea market presently at International Harvester who are in favor of the proposed rezoning. In conclusion he stated that this was a new temporary type of marketing that allows small businessmen the opportunity to get into business, to move goods and to market them in a way that would not otherwise be available to them. He stated it was not contemplated at the time the Zoning Ordinance was drafted and he felt that the B-1-B zoning classification, which already has similar uses, is broad enough to include the flea market. He stated that if the Commission deems it is not they request that the Commission rezone the property to a B-3-B. Mr. Gallmeyer stated that if the staff deems it necessary the owner is willing to enter into prior restrictions to impose limitations on the use of the property.

David Long questioned how they intended to control the use and design of the booths if, as was stated, they move some of them

outside in good weather if they run out of room in the existing structures.

Tom Gallmeyer stated it would be up to the lessor to control the design and aesthetics of the booths. He stated that if the staff wanted to impose a condition to that affect they could work it out.

David Long asked if it is there intention, if requested by the staff, to limit this to a flea market use only.

Mr. Gallmeyer stated that if that is what needed to be done they would limit the use. He stated they would be willing to put title restrictions on the use.

Wil Smith questioned if the people involved had attempted to meet with the neighborhood association.

Mr. Gallmeyer stated he was told that they tried to meet with the neighborhood association but they received no response.

Al Zacher, real estate broker, stated that they called the neighborhood association and asked for a meeting and they said they would get back with them and they did not.

Mel Smith questioned if this was to be a permanent location.

Mr. Gallmeyer stated for the amount of money they are going to spend it will be permanent.

Greg Purcell, Executive Director of Community & Economic Development appeared before the Commission. Mr. Purcell stated that in the staff's judgement, in taking a look at the ordinance, the use as proposed as a flea market is generally for the sale of second hand merchandise. He stated that in the zoning ordinance a second hand store or rummage shop is identified under the B3B section. He stated in their judgement a flea market is more akin to a second hand store or a rummage shop. He stated that Mr. Gallmeyer has asserted potentially other uses that are in B1 Districts that are selling used merchandise, that may be the case, that does not necessarily mean that this would be acceptable. He stated if there are violations of the ordinance they have nothing to do with the particular petition at hand. He stated if they want them to investigate those cases and make a determination as to whether or not it is a violation they would be happy to do so. He stated that the ordinance also specifies that, generally speaking, that outdoor sales are in the B3B districts as opposed to the B1 districts. He stated that the ordinance also specifies that, generally speaking, that outdoor sales are allowed in B3B districts as opposed to the B1 districts. He stated in their judgement for this type of facility, as it is described is a B3B use. He stated that at this point he had not seen a written description that would narratively set forth the exact nature of a flea market. He

stated that it is a concept which has not been identified or defined in the Zoning Ordinance. He stated if Mr. Gallmeyer is not happy with the staff's determination the alternative is to take the staff's interpretation to the Board of Zoning Appeals. The Board of Zoning Appeals is the final arbitrator at the City level as to what the ordinance means or does not mean.

Jack Steffler, owner of the Fort Wayne Flea Market appeared before the Commission. Mr. Steffler stated that they intend to put a substantial investment into the property in question. He stated that they will be able to control the type and number of people they have as vendors. He stated that 70% of all the merchandise at the flea market is new merchandise. He stated the 30% that is used are items such as baseball cards, antique items, books, etc. He stated that they do have a few booths that might be unsightly, but they are not saying they want them in the new market. He stated that they feel they can control who and what is placed outside. He stated that they have 80 to 100 people who are wanting to participate in this new facility. He stated that if they do not get this rezoning there will be about 80 people who will lose their jobs.

The following people spoke in favor of the rezoning.

Colleen Smith, vendor

Donna Beck, vendor

Tom Gallmeyer requested a show of hands of the people in the audience who were present and in favor of the rezoning.

The following people spoke in opposition to the requested rezoning.

Sarah Helmke, 1204 Sylvia Av, appeared representing several of the neighbors in the area. She stated that their neighborhood is just one block south of the property in question. She stated that they are not there opposing the rezoning because they want to see people lose their jobs, or incomes but because their street is a through street. She stated that the street goes from Decatur Road down Sylvia jogs around and out to U S #27. She stated people come up Anthony down Gardendale through their neighborhood over to U S #27 and go down to this site. She stated it is happening now with people going to Southtown Mall. She stated that the petitioners are stating that they get thousands of people at this flea market, this would increase traffic immensely and only worsen an already bad traffic situation. She stated that the street is only chip and seal and the extra traffic would increase the deterioration of the streets. She stated that they have young children and they are afraid for their children in the area because of the traffic problems. She stated that they feel this zoning would bring in any number of undesirable businesses to the area. She stated that they spoke of putting some of the business outside and

worried about the unsightliness of what could be stored outside and the trash that could be thrown around outside. She questioned also how long it would take them to make the improvements on the property that they refer to. She questioned if the improvements would be completed prior to them occupying the building or would they be done at their convenience. Ms. Helmke presented the Commission with a petition signed by approximately 28 residents of the area in opposition to the rezoning.

Bob Hutner questioned if there was something that could be done with regard to traffic control for their streets. He stated that perhaps there is a solution to their troubles with the traffic that would still allow these people to be in business. Mr. Hutner questioned if the traffic problem was there only objection to the rezoning.

Ms. Helmke stated that is their main objection, but this rezoning would allow for any number of undesirable uses that they do not want in their area. She stated she felt there were too many unanswered questions. She stated that once the rezoning is passed or these people are occupying the property it is very difficult to enforce any conditions placed by the Commission. She stated that their biggest concern is that they will not have any assurances that all of these things can be enforced.

The following people reiterated the concerns stated by Sarah Helmke.

Donna Kimmel, 1207 Sylvia St
Phillip Pease, 1209 Sylvia St
Willie Houston, 7028 Gary St

In rebuttal, Mr. Gallmeyer stated that he was unable to comment to the traffic problem on Sylvia Avenue nor could he correct the problem. He stated that they will meet with staff between this meeting and the business meeting on June 4. He stated that there was a question raised as to when the repairs would be done to the property. He stated that they intend to spend up to $400,000 between now and August, if the necessary approvals are given, to get this building in shape for the flea market. He stated there was a question about what does the flea market contribute to the City of Fort Wayne. He stated it was estimated that in 1989 the Fort Wayne Flea Market gross sales was 3.5 million dollars and the vendors have 150 employees of their own and the owner has 8 full time employees.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning request.

LAW OFFICES

HAWK, HAYNIE & GALLMEYER

1515 LINCOLN TOWER
FORT WAYNE, INDIANA 46802

DAVID K. HAWK
GILMORE S. HAYNIE, JR.
THOMAS M. GALLMEYER
T. RUSSELL STRUNK, JR.

TELEPHONE
422-1515
AREA CODE 219
FAX
424-2656

August 6, 1990

Mr. Wayne O'Brien
City Plan Commission
Room 830 - City-County Building
One Main Street
Fort Wayne, IN 46802

In Re: Petition to Amend the Zoning Map by Reclassifying 6901-6905 South Hanna Street, Fort Wayne, Indiana, from B1B to B3B ("petition")

Dear Mr. O'Brien:

Please be advised the above captioned law firm represents the Fort Wayne Stores Company, owner of the real estate listed in the above referenced petition.

In light of the fact the Board of Zoning Appeals has granted a Use Variance for this real estate, the Applicant now withdraws its petition to rezone the real estate from B1B to B3B.

I thank you in advance for your attention to this withdrawal request.

Sincerely,

HAWK, HAYNIE & GALLMEYER

Thomas M. Gallmeyer

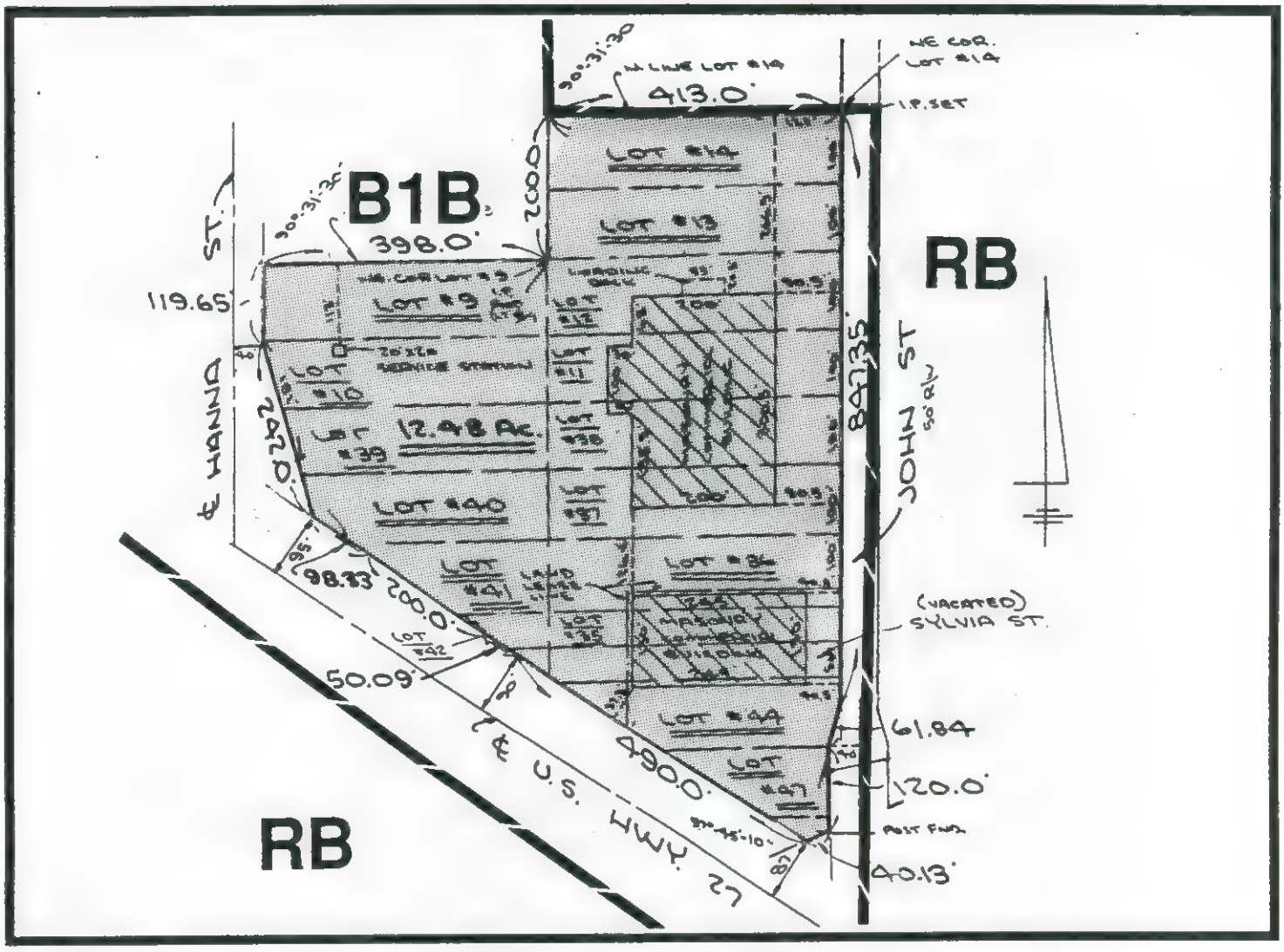
TMG:jo
cc: Alan M. Krause
The Zacher Company

REZONING PETITION #431

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **B1B** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **N-27**

COUNCILMANIC DISTRICT NO. **5**



ZONING:

RB RESIDENCE "B"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 4-26-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-05-12: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

Steve Zacher, agent for Fort Wayne Store Company, requests a change of zone from B-1-B to B-3-B.

Location:	6901-6905 South Hanna
Legal:	See file
Land Area:	Approximately 12.48 acres
Zoning:	B-1-B
Surroundings:	North B1B & RB South RB East RB West B1B & RB
Reason for Request:	Not stated on petition.
Neighborhood Assoc.:	South Suburban Civic Association
Neighborhood Plan:	No comment.
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal of the Middle Ring is to maintain investment and prevent deterioration.
Landscape:	No comment.

Planning Staff Discussion:

This site is the former home of the Mr. Wiggs/Hecks department stores, and has been vacant for some time. The property is located at the intersection of Lafayette and Hanna Streets on the south side of the City.

The existing zoning is B-1-B, and is abutted by RB and B-1-B zonings. The only existing B-3-B designated property is the Allen County Motors site located at the southeast corner of Lafayette and John Streets, and a small parcel at the intersection of Hanna and Warfield Streets.

The B-1-B classification allows approximately 90 commercial uses (Limited Business) plus all uses allowed in the R-3 classification. The requested B-3-B would drastically increase the number of uses and their intensities. The B-3-B classification allows over 40 more intense general business and

repair uses, including auto repair, second hand stores, arcades, and shooting galleries among others.

In 1988, the bowling alley to the west applied for a partial rezoning to B-4. In reviewing that petition the staff had also recommended a "Do Not Pass", as the request did not meet the established criteria for a change of zone. The petitioners in that case withdrew their request.

While staff agrees that the re-use of the existing building would be to everyones benefit, that does not mandate a change of zone to a more intense classification. While Lafayette Street does support commercial uses, the surrounding area to the north and east are either developed residential or potentially residential.

Recommendation: Do Not Pass, for the following reasons:

1) Approval could have negative impact on the residential properties in the immediate area.

2) Approval would not be consistent with the existing character of the area, or the uses in the area, and would set a precedent for more intense zoning.

THE CITY OF FORT WAYNE

28 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-07-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-07-09
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-1 to B-3-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

5500 Block of Illinois Road south of Citizen's National Bank

Reason for Project

Future commercial development.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

See Attached Minutes of Meeting

27 August 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE: DO PASS motion was to Perfect to a P.O.D.

POSITIONS / **RECOMMENDATIONS**

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Gladieux Limited Inc City Department Other
Opponents	Groups or Individuals Diane Noble, 5321 Kenton Lr James Young, 1217 N Glendal Basis of Opposition -further commercial develc ment would devalue resi- dential property values
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [X] Against [ ] No Action Taken [ ] For with revisions to conditior (See Details column for conditio
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 13 June 1990

Projected Completion or Occupancy Date 28 August 1990

Fact Sheet Prepared by Date 28 August 1990

Patricia Biancaniello

Reviewed by Date 8/30/90

Reference or Case Number

Bill No. Z-90-07-09 - Change of Zone #441
From R-1 to B-3-B
5500 Block of Illinois Road (East and South of The Storage Place)

James Federhoff, attorney for the petitioners Gladieux Limited, appeared before the Commission. Mr. Federhoff stated that this is approximately a 4.3 acre tract. He stated that surrounding the tract to the north is an existing B-1-B. He stated that to the northwest of the tract is Citizen's National Bank, to the west is an existing B-3-B, occupied by O'Daniel Oldsmobile. He stated that the proposed rezoning maintains the 1100 foot from centerline - division line as the Plan Commission previously established to separate commercial uses from residential uses along Illinois Road. He stated that there are only 4 lots in Westmoor Addition that are adjacent to this tract. He stated that this piece of property is actually a remanent from prior developments and rezoning. He stated that last Wednesday they met with the Westmoor Community Association Board of Directors to describe the proposed rezoning and discuss the concerns of the members. He stated that the impression he was left with was that the Board had two major concerns. One was the intensity of the B3B uses and the other was sight screening along the east side of the property between this property and Westmoor Addition. He stated they have also met with staff on several occasions. He stated it is a rather difficult piece of property to market because of its zoning and unusual shape. He stated that one of the staff concerns was the need to provide some means of ingress and egress to relieve the traffic from the residential development to the south, provide some means of access off of Illinois Road. He stated that they have also met with a prospective purchaser of the remainder of Gladieux Limited property to the south and that purchaser is interested in developing that property as single family residential and has no problem with a commercial classification. He stated that the owner is willing to commit to having the rezoning perfected to a B-1-B classification. He stated that by agreeing to a B-1-B perfection intense uses such as used auto sales or a body shop can be eliminated and would satisfy some of the concerns of the residents of Westmoor Addition. He stated that the owner is also willing to enter into a frontage road agreement, which was discussed with staff and would continue the frontage road along the south side of Illinois Road. He stated that the property owner is also willing to sign and record a document that would run with the land to construct a street within this tract to city specs with right of way 50 feet in width. He stated that the staff recommendation is for the request to be perfected to a POD classification. He stated that the problem with the POD classification at this time is the property owner does not have a particular use or project in mind. He stated that because of the unusual nature of this piece of real estate it is very difficult to market. He stated that with the conversations they have had is that there is no objection to light retail uses. He stated that the concern they have heard is the need to control some of that development. He stated that they hope that a document could be prepared that would be acceptable to the

property owners and to the legal staffs that would accomplish those objectives. He stated that while professional offices are certainly an appropriate use they feel that the added flexibility of the B-1-B uses would substantially add in the marketing efforts for this property.

David Long questioned why they had resistance to the POD classification.

Jim Federhoff stated that the problem with the POD under the City Zoning Ordinance a development plan is required at the time of submission for a POD rezoning request. He stated they could put something on paper but it would be pulling it out of the air. He stated that they have no particular plan in mind for a POD. He felt it would be purely speculation.

David Long questioned if they felt that they could not market the property unless it was zoned at least a B-1-B classification, particularly since the staff is willing to support a POD.

Mr. Federhoff stated they need some flexibility and felt it would prohibit the marketing of the property to be zoned POD.

Diane Noble, 5321 Kenton Lane, representing the Westmoor Community Park Association appeared before the Commission. Ms. Noble stated that when Mr. Federhoff appeared at their association meeting to explain the plans for this parcel he was unable to provide the members with any plans or any proposed use for this property. Ms. Noble felt that they could not be assured that the potential development would not be adverse to the Westmoor neighborhood since they do not know what the development might be. She stated that if there is no frontage it would seem unlikely that retail shops would be situating there. Ms. Noble stated that they feel the request is premature since they have no potential use or buyer for the property and they would request that the Commission table any action on this request until they can be more specific about their plans. She stated that they are aware that the use and value of the land is limited due to its odd shape, but that the shape of the property is the result of the owners previous development and they do not feel that the homeowners should suffer from this. She stated they are also worried about the noise and traffic pollution the development could create as well as the present limited capacity of the storm and sanitary drains in the area. She stated that Westmoor Park has had significant sewer and drainage problems, even before the added developments on Illinois Road and around them.

Mr. James Young, 1217 No Glendale Drive appeared before the Commission in opposition. Mr. Young stated that the increasing development in the area has progressively devalued his property and that the further commercial development of this parcel can only be further detrimental to the value of his property.

In rebuttal Mr. Federhoff stated that the concerns he heard from

the residents who spoke in opposition was a possible access connection between their property and Westmoor. He stated that there is no interconnection either proposed or contemplated. He stated that discussions with staff have focused in on providing circulation to Illinois Road down ultimately into Breconshire. He stated that there has also been a request that the Commission table the request until some specific project is developed. He stated that rezoning petitions are not necessarily contingent upon what is going to go in there. He stated that they feel that light retail use as a potential use for the parcel would be appropriate and would not be incompatible with the area, especially when you consider that all of the surrounding ground is zoned either B-1-B or B-3-B.

David Long stated that he would like to make an observation. He stated that since they have gone through the effort to illicite the response of the neighborhood association, the association is on record as saying they would support a POD, and the planning department would also support a POD, he felt the concerns about the marketability of the property would have to have been alleviated for any future buyer.

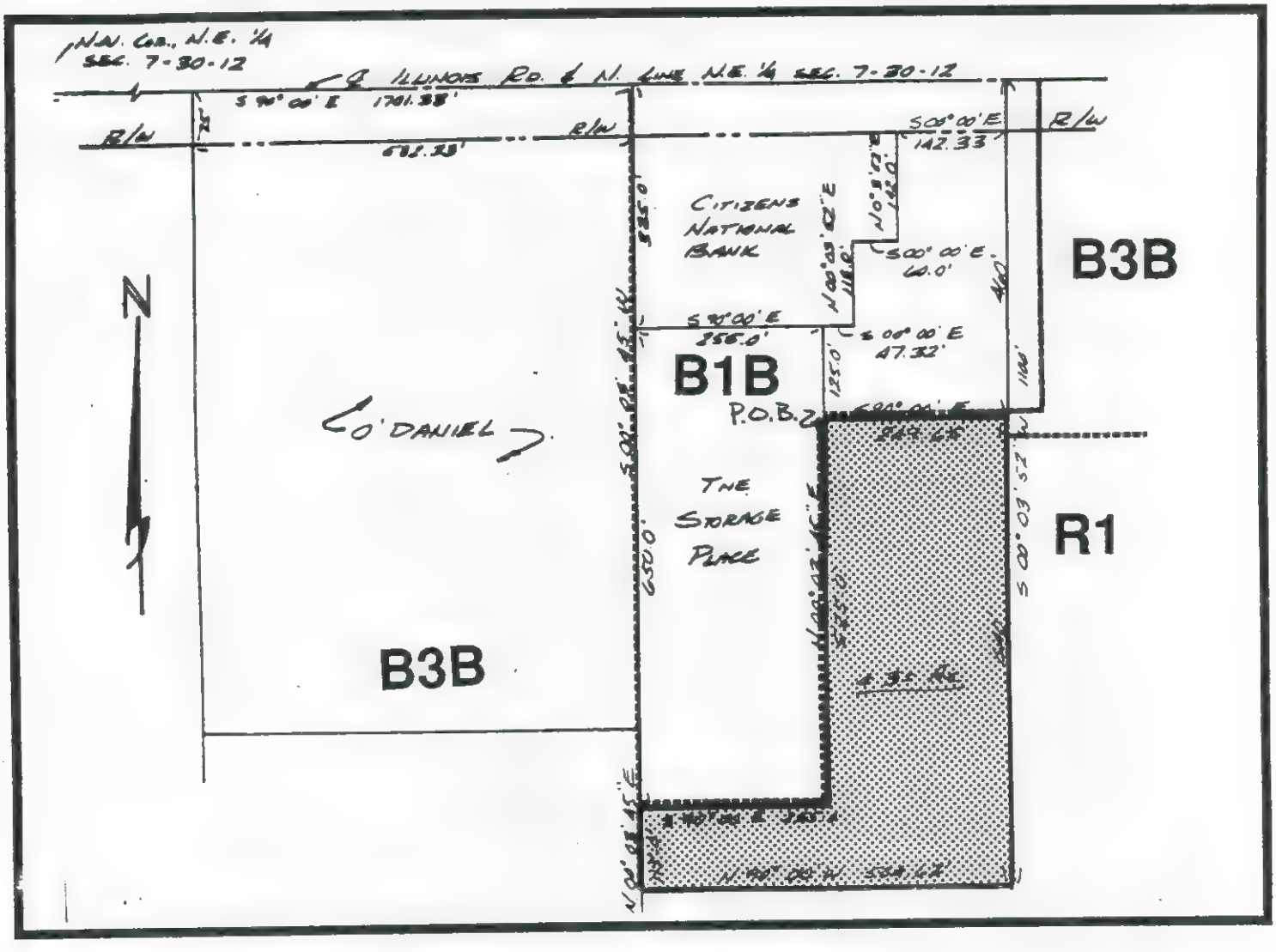
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #441

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **E-2**

COUNCILMANIC DISTRICT NO. **4**



ZONING:

R1 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 6-21-90

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

James A. Federoff, attorney for Gladieux Limited, Inc., requests a change of zone from R-1 to B-3-B.

Location:	Illinois Road		
Legal:	See file		
Land Area:	Approximately 4.3 acres		
Zoning:	R-1		
Surroundings:	North	C-1	County
	South	R-1	Open & Residential
	East	R-1/B3B	Commercial & Residential
	West	B1B/B3B	Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Neighborhood Plan:	No comment.
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal of the West Sector of the Outer Ring, where this proposal is located, is to contain growth within the urban service area.
Landscape:	A landscape buffer should be developed where B-3-B zoning is adjacent to R-1 sufficient to break view into B-3-B property.

Planning Staff Discussion:

Over the last year or so, staff has met with various people regarding the possibilities of developing this site, and the acreage immediately south. While we are concerned with the possible impact of this rezoning on the potential residential development to the south, the Plan Commission has already established a policy for this area. Established in 1985-86, the policy provides for commercial rezonings to approximately 1100 ft. from the centerline of Illinois Road, and requires provisions for a frontage road.

As the Commission is well aware, traffic flow and safety concerns need to be adequately addressed in any area. Along a major

commercial corridor, it becomes imperative that this element of public safety be satisfied.

This area of Illinois Road has both B-1-B and B-3-B uses in the immediate area. We are somewhat concerned with the intensity of the potential B-3-B uses, as the depth of this parcel causes it to abut residential zoning to the east and south. We would suggest that the Plan Commission perfects the petition to a P.O.D. designation. The P.O.D designation would provide a suitable buffer between the heavy commercial uses to the north and west and the residential uses and zoning to the east and south.

In discussion with the developer, we have been made aware of his desire to proposed a future right-of-way on the east side of this parcel. Granting of that future right-of-way could provide for the development of the southern part of his acreage, and provide a secondary outlet for traffic from Breconshire. We suggested that it may be difficult to obtain the rezoning if some type of access arrangement could not be made for the acreage immediately to the south. Further, we discussed the possibility of the developer building a street (to city standards) that could remain a private street until such time that the City would require the dedication of that right-of-way. The developer did not appear to oppose that idea, as it could enhance the development potential of his entire parcel.

In subsequent conversations with the City Traffic Engineer, the development of a street as discussed above was supported. The Traffic Engineer did made the qualifying statement that the street sould be designed as a low traffic generator (i.e. 40 feet wide), which may not be possible with a commercial zoning classification. Attached for the Commission's information is a rough schematic of what configuration a street could take through the affected area, and the land use pattern that could be devloped.

Recommendation: Perfect the petition to a P.O.D.

1. A B-3-B classification, is not an adequate buffer between the existing commercial and residential uses.

2. A P.O.D. classification would provide the necessary site development plan requirements to provide the necessary buffering between incompatible land uses and the assurance of the development of adequate traffic circulation.

THE CITY OF FORT WAYNE

28 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street and alley.

The proposed ordinance is designated as:

BILL NO. G-89-09-05

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

FACT SHEET

G-89-09-05
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Street & Alley Vacation		

DETAILS

Specific Location and/or Address

Ohio Street south of Hayden Street, and a 12 foot strip at the east ends of Lots 214 thru 218, 220 and 119 of Eliza Hanna Sr's Addition

Reason for Project

Future building expansion.

Discussion (Including relationship to other Council actions)

18 September 1990 - Public Hearing

Gary Calhoun, attorney for the petitioners, Flashfold Packaging Group, Inc., appeared before the Commission. Mr. Calhoun stated that the petitioners own all of the adjacent property to this portion of Ohio Street and the alleys that they are requesting vacated. He stated that the purpose for the vacations is for future expansion of this company.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacations.

25 September 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing the following:

1. Provide utility easements or relocation as necessary.
2. Provide a dedicated turn-around easement to meet the requirements of Street Engineering.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Flashfold Packaging Group In City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [X] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

27 August 1990 - Business Meeting

When conditions are applied to a request petitioners are given six (6) months in which to comply. The petitioner had not complied within the six month period. When contacted their attorney informed the City that the company had undergone a change of ownership since the filing of the initial petition, and the new owners did not wish to proceed with the request.

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioners.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 16 August 1989

Projected Completion or Occupancy **Date** 28 August 1990

Fact Sheet Prepared by **Date** 28 August 1990

Patricia Biancaniello

Reviewed by **Date** 8/30/90

Harry Mogliozzi

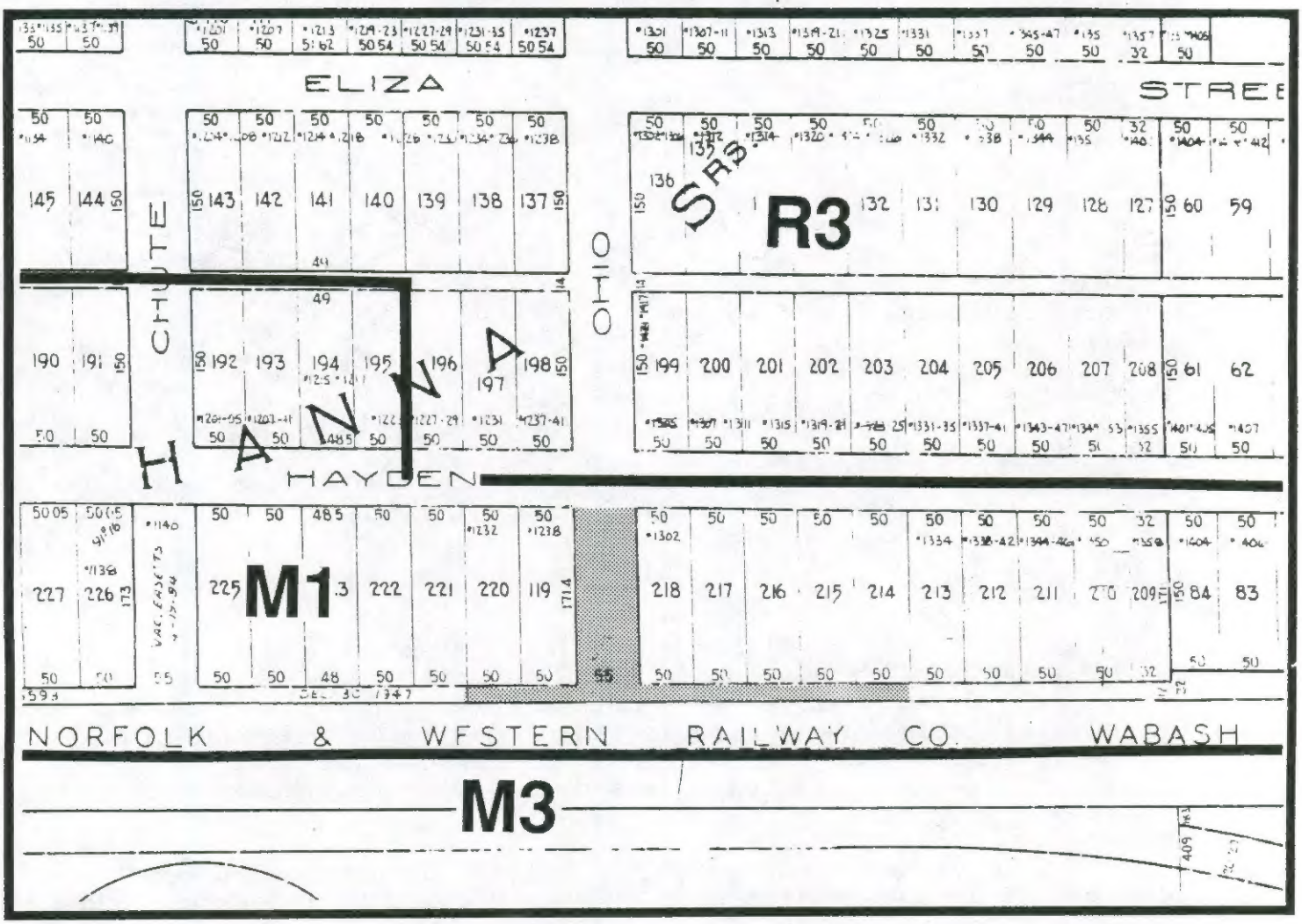
Reference or Case Number

VACATION PETITION # 404

A PETITION TO VACATE THE DESCRIBED PORTIONS OF PUBLIC STREETS AND ALLEYS.

MAP NO. **O-2**

COUNCILMANIC DISTRICT NO. **1**



ZONING:

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

R3 RESIDENTIAL DISTRICT

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

☐ *CHURCH*

SCALE: 1"=175'

DATE: 8-25-89

LAW OFFICES

GALLUCCI, HOPKINS & THEISEN

PROFESSIONAL CORPORATION

7TH FLOOR, PAINE WEBBER BUILDING

803 SOUTH CALHOUN STREET

P.O. BOX 12663

FORT WAYNE, INDIANA 46864-2663

TELEPHONE 219 / 424-3800

FAX 219 / 420-1260

FRANK L. GALLUCCI
MEMBER INDIANA, MICHIGAN AND DISTRICT OF COLUMBIA BARS

WILLIAM T. HOPKINS, JR.
MEMBER INDIANA BAR

JOHN C. THEISEN
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MEMBER INDIANA BAR

August 27, 1990

HAND DELIVERY

City of Fort Wayne
Office of Community and Economic
Development
Eighth Floor, City County Bldg.
Fort Wayne, Indiana 46802

Attention: Mr. Wayne O'Brien

Re: Flashfold Packaging Group, Inc.
Vacation G-89-09-05

Dear Wayne:

This will confirm our previous telephone conversation in which I indicated that Flashfold had determined to withdraw its previously filed petition to vacate portions of Ohio Street and an adjoining alley. As I indicated on the telephone, the company has undergone a change in ownership since the filing of the initial petition, and the new owners do not wish to proceed with the matter at this time.

If you have any questions, please do not hesitate to contact me at your convenience. Thank you for your courtesy and cooperation in this matter.

Very truly yours,

GALLUCCI, HOPKINS & THEISEN, P.C.

James D. Streit

JDS/ag

cc: Mr. Clyde Potts

LA222/3

James D. Streit, attorney for Flashfold Packaging Group, Inc. requests the vacation of public right-of-way.

Location:	Ohio Street south of Hayden Street, and a 12 foot strip at the east ends of Lots 214 through 218, 220 and 119 of Eliza Hanna Sr.'s Addition.		
Legal:	See file.		
Land Area:	Approximately 14,287 Sq. Ft.		
Zoning:	M-1		
Surroundings:	North	M-1/R-3	Industrial/Residential
	South	M-1/M-3	Railroad
	East	M-1	Residential
	West	M-1	Flashfold Packaging
Reason for Request:	Not stated on petition.		
Neighborhood Assoc.:	East Central Neighborhood.		
Landscape:	No comment.		
Neighborhood Plan:	This location is within the East Central Neighborhood Plan. The plan makes no recommendations regarding vacations of public right-of-ways. Since no land use change is proposed or implied by this request, the plan provides no basis for either approval or denial of the petition.		
Comprehensive Plan:	No comment.		

Planning Staff Discussion:

This site is located on the east side of the existing Flashfold Packaging Groups development. The petitioner is requesting the vacation of a public street, and a portion of a public alley.

According to records in the Wayne Township Assessor's office, a portion of the alley to the west of lot 220 was previously vacated thru the Circuit Court. Therefore the vacation of the portion of the alley behind Flashfold would not have any impact on any other property owner. The alley to the east of the proposed street vacation would still be open and have a potential for use.

There are currently overhead utilities in the area, and a potential need for the remainder of the alley to the east. We

would suggest that if the Plan Commission chooses to approve the vacation that they do so based on the petitioner providing a turn around easement at the end of the alley.

Recommendation: Conditional Approval, contingent upon the petitioner providing the following:

1) Provide utility easements or relocation as necessary.

2) Provide a dedicated turn-around easement to meet the requirements of Street Engineering.